



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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**Report No. TEL-01511NS**

**Wednesday August 10, 2011**

## **Non Streamlined International Applications/Petitions Accepted For Filing**

### **Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

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**ISP-PDR-20110726-00007**      E      Choice Holdings LLC

Petition for Declaratory Ruling

Choice Holdings LLC (Choice Holdings or the "Petitioner") requests that the Commission extend its existing declaratory rulings under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), to cover any Wireless Communications Services (WCS) licenses that Choice Holdings or its subsidiaries, Choice Phone LLC (Choice Phone) and Wave Runner LLC (Wave Runner), may acquire, at any level of geographic coverage, including a nationwide footprint. Petitioner states that its earlier rulings authorized the indirect foreign ownership in excess of the 25 percent benchmark set forth in section 310(b)(4) of Choice Phone - which holds special mobilized radio, 700 MHz, Advanced Wireless Services (AWS), and broadband personal communications service (PCS) licenses - and Wave Runner LLC - which holds broadband PCS licenses. See ISP-PDR-20050624-00008, DA 07-3402, 22 FCC Rcd 13652 (IB 2007); ISP-PDR-20080102-00008, DA 08-1223, 23 FCC Rcd 8372 (IB 2008); ISP-PDR-20080702-00017, DA 09-1114, 24 FCC Rcd 5779 (IB 2009). Choice Phone has entered into an Asset Purchase Agreement in order to acquire a WCS license (Call Sign KNLB242) currently held by Cellutec.

Choice Holdings, Choice Phone and Wave Runner are limited liability companies organized under the laws of Guam. See ISP-PDR-20050624-00008. According to the Petitioner, Choice Holdings holds directly approximately 100 percent of the equity and voting interests in Choice Phone and Wave Runner. Richard C. Yu, a U.S. citizen, holds directly less than 1 percent of the equity and voting interests in Choice Phone and in Wave Runner, respectively. The direct equity and voting interests in Choice Holdings, in turn, are held as follows: (1) Ronnie S. Lim, a citizen of the Philippines, a World Trade Organization (WTO) member country (35%), (2) Richard C. Yu (18%) (3) Jeselyn T. Yu, a U.S. citizen (18%), and (4) Angelie C. Ong, a U.S. citizen (29%). According to the petition, Mr. Yu is the Managing Member of, and has de facto control over, Choice Holdings, Choice Phone, and Wave Runner.

The Petitioner asserts that, pursuant to the policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 18158 (2000), the proposed indirect foreign ownership of Choice Phone and Wave Runner in excess of the 25 percent limit in section 310(b)(4) of the Act is consistent with the public interest.

Choice Holdings states that it previously entered into an agreement with the Department of Justice, Department of Homeland Security, and the Federal Bureau of Investigation in connection with the proposed foreign ownership increase. See ISP-PDR-20050624-00008. The Petitioner represents that this agreement remains in effect and that it intends to continue its compliance with the conditions established therein with respect to any newly acquired licenses.

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**ITC-214-20110709-00197**      E      Communications Rey, LLC

International Telecommunications Certificate

**Service(s):**      Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-ASG-20110729-00212**      E      Zayo Group, LLC

Assignment

**Current Licensee:**      Zayo Bandwidth, LLC

**FROM:** Zayo Bandwidth, LLC

**TO:**      Zayo Group, LLC

Notification filed July 29, 2011, of the pro forma assignment of international section 214 authorization, ITC-214-20091106-00475, held by Zayo Bandwidth, LLC (ZB) to its direct parent Zayo Group, LLC (Zayo), effective June 30, 2011. In an intra-corporate transaction, ZB merged with and into Zayo, with Zayo being the surviving entity. ZB was, and Zayo continues to be, a wholly-owned indirect subsidiary of Communications Infrastructure Investment, LLC.

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**REMINDER:**

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001-2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pdf/telecomrules.html>